

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

RAYMOND TARLTON, as guardian ad litem
for HENRY LEE MCCOLLUM, and J.
DUANE GILLIAM, as guardian of the estate of
LEON BROWN, *et al.*,

Plaintiffs,

v.

KENNETH SEALEY, both individually and in
his official capacity as the Sheriff of Robeson
County, *et al.*,

Defendants.

**[PROPOSED]
AMENDED
JUDGMENT**

5:15-CV-451-BO

DECISION BY THE COURT.

Consistent with the March 8, 2023 decision of the United States Court of Appeals for the Fourth Circuit [DE 476], and in light of the only issue on remand being moot, **IT IS ORDERED, ADJUDGED AND DECREED**, pursuant to the Court's order entered May 27, 2016, that plaintiffs' claims against defendant Robeson County are dismissed with prejudice.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, pursuant to the Court's order entered June 20, 2018, that defendants Town of Red Springs, Larry Floyd, and Paul Canady, Administrator C.T.A. of the Estate of Luther Haggins, are dismissed from this action with prejudice.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, pursuant to the Court's order entered May 14, 2021, plaintiffs' claims against defendants Kenneth Sealey and Robert E. Price,

administrator C.T.A. of the estate of Joel Garth Locklear, are dismissed with prejudice.

JURY VERDICT. The remaining claims in this action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict on May 14, 2021, and the Court considered the issue of qualified immunity.

IT IS ORDERED, ADJUDGED AND DECREED that Plaintiffs have proven by the preponderance of the evidence that Leroy Allen violated Henry McCollum's constitutional rights. Plaintiffs have proven that Kenneth Snead violated Henry McCollum's constitutional rights.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs have not proven that Leroy Allen violated Leon Brown's constitutional rights. Plaintiffs have proven that Kenneth Snead violated Leon Brown's constitutional rights.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Leroy Allen is entitled to qualified immunity as to the claims by Leon Brown and is not entitled to qualified immunity as to the claims by Henry McCollum.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Kenneth Snead is not entitled to qualified immunity.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff Henry McCollum is entitled to recover \$25.25 million in compensatory damages.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff Leon Brown is entitled to recover \$25.25 million in compensatory damages.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff Henry McCollum is entitled to recover \$3 million in punitive damages from Defendant Leroy Allen.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff Henry McCollum is entitled to recover \$5 million in punitive damages from Defendant Kenneth Snead.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff Leon Brown is entitled to recover \$0 million in punitive damages from Defendant Leroy Allen.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff Leon Brown is entitled to recover \$5 million in punitive damages from Defendant Kenneth Snead.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs Henry McCollum and Leon Brown are entitled to and shall recover post-judgment interest on the entire amount awarded under this judgment at the rate established by 28 U.S.C. § 1961, accruing as of the date of entry of the judgment up to and until satisfied in full.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs Henry McCollum and Leon Brown are not entitled to an award of prejudgment interest.

This judgment filed and entered with approval of the Court on _____, 2023 and served via CM/ECF on:

Catherine Stetson

E. Desmond Hogan

Elizabeth Lockwood

Elliot Sol Abrams

James Clayton

W. David Maxwell

Raymond Tarlton

Bradley Wood

James Morgan, Jr.

Dan Hartzog

Garris Yarborough

Dan Hartzog, Jr.

John Butler, III
Katherine Barber-Jones
Timothy Smith, Jr.
Sonny Haynes
Scott MacLatchie
Adam Peoples

Date: April __, 2023.

HON. TERRENCE W. BOYLE
United States District Court Judge